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Committee on Economic, Social and Cultural Rights
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Summary record of the 9th meeting
Held at the Palais Wilson, Geneva, on Friday, 16 March 2018, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Bangladesh (*continued*) (E/C.12/BGD/1)

1. *At the invitation of the Chair, the delegation of Bangladesh took places at the Committee table.*

2. **Mr. Alam** (Bangladesh) said that his country had, the previous evening, received confirmation from the United Nations Committee for Development Policy that it had satisfied all three criteria in the first step towards graduation from the category of least developed country.

3. **Ms. Faizunnesa** (Bangladesh) said that the use of fatwas was in decline. In 2015, the Supreme Court had ruled that any act of extrajudicial punishment pursuant to a religious edict, such as a fatwa, that negatively affected the rights, reputation or dignity of a person was punishable by law. As for marital rape, although the problem had previously not been acknowledged, women were now able to seek justice and obtain support.

4. The Government was making efforts to ensure that businesses respected human rights, including through cooperation with the United Nations system; an expert team from the Office of the United Nations High Commissioner for Human Rights had recently visited the country, and the United Nations Development Programme was helping the Government to develop a national plan of action. Moreover, it was government policy to promote corporate responsibility and responsible business. Bangladesh had negotiated in favour of including those principles as part of the Sustainable Development Goals.

5. With regard to maternity benefits, the Ministry of Women and Children Affairs provided maternity allowance to 600,000 women and lactation allowance to 200,000 women, in addition to assistance through the Vulnerable Group Development programme to 100,000 women. Through the One Stop Crisis Centre, assistance had also been provided to 3,416 women and children who had been abused.

6. **Mr. Alam** (Bangladesh) said that the claim that Dalits represented 3.5 per cent of the population was incorrect and asked what the source of that statistic was.

7. **Mr. Chakma** (Bangladesh) said that the ethnic peoples of Thanchi and Sajek in south-eastern Bangladesh had experienced a seasonal food crisis following a period of heavy rainfall which had severely reduced the rice yield produced using the traditional slash-and-burn method. The crisis had severely affected 1,200 families in 2016 and 400 families in 2017. The Ministry of Disaster Management and Relief and the Ministry of Chittagong Hill Tracts Affairs had immediately taken steps to supplement the food supply of those groups. The Government was also running alternative livelihood development programmes to promote mixed food cultivation.

8. **Mr. Alam** (Bangladesh) said that the Government was currently reviewing a new bill on education, which it had drawn up in close consultation with civil society and relevant stakeholders. The Government had nationalized all primary schools in 2011 and had since provided new infrastructure, including sturdy buildings, for every school. Furthermore, the Government opened new schools wherever there was local demand from communities that met the minimum population size requirement. It had also achieved 100 per cent school enrolment and had introduced measures to combat dropout. As students in grades 4 and 5 were currently required to remain in school until 4 pm, a trial programme was under way to provide midday meals at schools.

9. As part of the National Education Policy, the Government had ensured that there was at least one government school in each *upazila* (sub-district). The Government also paid the salaries of teachers who worked at other, privately run local schools, on the condition that the schools met minimum requirements, and it provided buildings and information and communication technology facilities. It also facilitated communication between schools via weblink to promote the sharing of good practices. Moreover, there was

no shortage of teachers in the country. To prevent nepotism in the appointment of teachers, the Government had introduced an examination system, based on which a pool of qualified teachers was created. Teachers were subsequently appointed automatically to vacancies.

10. Numerous discussion had been held on the topic of State control over madrasas. The Government was confident that madrasas were not being used as a forum to promote extremism or radicalism, in particular given that almost all the perpetrators of previous terrorist attacks in the country had been from wealthy families and had been educated in foreign schools. A government committee was currently reviewing the textbooks and curricula used at Qawmi madrasas, and the chapter on jihad had already been removed from all textbooks. The Government was also taking steps to connect madrasas with the wider world by providing them with Internet facilities and creating jobs for more than 1,000 Qawmi madrasa scholars.

11. The Government provided religious institution-based education for all religions. Although such programmes were voluntary and organized by the mosque, temple or church itself, the Government provided funding to help in setting them up. With regard to textbooks, the independent National Curriculum and Textbook Board was responsible for ensuring that all textbooks were free from errors and for issuing recommendations on changes to be made. Additional steps were also being taken to review textbooks. It was not correct, however, that the Government had been forced to make changes to certain books based on the demands of Islamic groups.

12. Efforts were being made to promote technical and vocational education as part of the Government's aspirations to make Bangladesh a higher-income country. The Technical and Madrasah Education Division in the Ministry of Education was working to increase enrolment in such education by 20 per cent by 2020, and a project was currently under way to build 100 new technical and vocational schools and colleges. With regard to teacher training, the Government had established the Madrasah Teachers' Training Institute and the Technical Teachers' Training College for that purpose.

13. **Mr. Chakma** (Bangladesh) said that the Government had introduced a plan for mother-tongue education in the Chakma, Marma, Kokborok, Garo and Sadri languages in January 2017. Pupils at the primary and pre-primary level who were not familiar with the Bangla language would be provided with textbooks in their mother tongue and would gradually learn Bangla. It would take four or five years to fully implement the plan.

14. The Small Ethnic Group Cultural Institutions Act had been adopted in 2010. Seven cultural institutes had been established, three in the hill districts and four in the plain land. They provided training courses in languages, culture, alphabets and traditional artefacts, undertook research work and published books. The institutes were thus providing strong support for the preservation of local culture, heritage and languages.

15. **Mr. Alam** (Bangladesh) said that the annual inspection report for 2016–2017 could be consulted on the website of the Department of Inspection for Factories and Establishments.

16. He confirmed that the law guaranteed 16 weeks of maternity leave, comprising 8 weeks before and after childbirth, with full benefits.

17. **The Chair** said that she wished to congratulate the State party on its progress towards becoming a middle-income country and to express the hope that it would become an upper-middle-income country in due course. However, its rising status entailed enhanced responsibilities in terms of Covenant rights.

18. **Ms. Shin** said that she had obtained her information on the garment industry and the Rana Plaza building collapse from a Human Rights Watch report published in April 2015. The section on the Rana Plaza incident contained material from interviews with survivors and relatives of victims, who claimed that they had received inadequate compensation. She asked whether the Government was willing to investigate whether victims required further assistance. The report also stated that almost all workers interviewed complained that managers failed to pay wages or benefits in full or on time.

19. She understood that women victims of marital rape could now seek assistance. Did that mean that marital rape had been criminalized?

20. **Mr. Abdel Moneim** said that article 13 of the Covenant could not be construed as prohibiting the establishment of madrasas or Qur'anic schools. On the contrary, article 13 (3) stipulated that parents and legal guardians were entitled to ensure the religious and moral education of their children in conformity with their own convictions. The sole requirement was that balance should be maintained between the provisions of article 13 (3) and article 13 (1), which stipulated that education should enable all persons to participate effectively in a free society and that it should promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

21. Some secular intellectuals in Muslim countries were graduates of Qur'anic schools and madrasas. On the other hand, some extremists or terrorists had not attended such schools, and some jihadists had been born and raised in Western countries. Compliance with the Covenant rights enshrined in articles 6 to 15, bearing in mind the non-discrimination rule in article 2, could play a key role in combating extremism and terrorism.

22. **Mr. Windfuhr** (Country Task Force) said that the State party was being severely hit by climate change. As a large portion of the country could be affected in the years ahead by floods and cyclones, careful reflection was required on the requisite response in terms of appropriate housing, agricultural planning, dam construction and resettlement of vulnerable communities. He would appreciate information on adaptation plans, particularly rights-based resettlement procedures, and asked whether external support was anticipated.

23. **Mr. Uprimny** said that, according to the report, there were just 50 outpatient mental health facilities available in the State party. Given the size of the population, he asked whether research had been conducted on the scale of mental health problems in order to establish whether additional facilities were required.

24. Noting that child marriage was permitted in special cases, he would be interested to hear more about the circumstances in which a marriage was deemed to be special and asked whether the State party had statistics regarding the number of such cases.

25. His question regarding restrictions on or prohibition of the right to strike remained unanswered.

26. **Mr. Abashidze** (Country Task Force), welcoming plans to draft a new bill on education, said that a number of requirements should be borne in mind. The law should: recognize the right to education; bring all educational settings under a uniform education system; ensure effective implementation of the National Education Policy; ensure that the national curriculum was not influenced by extremist religious groups; guarantee quality education; prevent violence and sexual harassment in educational establishments; and render such establishments accessible for children with disabilities. In addition, textbooks should be provided free of charge to students up to secondary level and delivered in due time to different parts of the country.

27. Articles 23 and 28 of the Constitution provided for the protection of local cultural and tribal traditions but there was no legal recognition of indigenous peoples. The State party had ratified the International Labour Organization (ILO) Indigenous and Tribal Populations Convention, 1957 (No. 107), which guaranteed, inter alia, the right of indigenous people to education. The National Education Policy included an implementation plan for mother-tongue education of indigenous children. According to the 2011 population census, the indigenous population in the Chittagong Hill Tracts was estimated at 1.5 million. He would therefore appreciate information about the reasons for that lack of legal recognition.

28. A distinction was drawn, in political terms, between indigenous people and ethnic groups, and the existing legislation was interpreted in different ways. The Small Ethnic Group Cultural Institutions Act, 2010, recognized only 27 such groups, and indigenous peoples and ethnic groups had not been consulted regarding the terminology used. He wished to know what was the status of peoples or groups who had not been recognized.

29. He asked whether there was any link between the legislation on Internet coverage and the existing system of online registration.

30. **Mr. Sadi** said that he had the impression that the State party did not treat child marriage as a grave issue but found it tolerable in view of its traditional status. It should instead be viewed as a threat that should be combated through campaigns, law enforcement and action to address socioeconomic conditions that supported the phenomenon.

31. **Ms. Ravenberg** (Country Task Force) asked whether there were procedures to monitor implementation of the Child Marriage Restraint Act and whether all such marriages were registered. She would also welcome information about the legal status of marriages involving persons below the minimum legal age.

32. Slum dwellers still faced eviction by various governmental bodies, which threatened their livelihood. According to United Nations data, almost 25 per cent of the State party's population lived in the four largest urban areas. She asked what measures were taken to identify slum dwellers and rehabilitate evicted slum dwellers, how the right to housing was protected by the State, and what procedures were in place to implement the Bangladesh National Building Code.

33. **Ms. Liebenberg** (Country Rapporteur), noting that there was increasing pressure on land in the State party owing to climate change and the lack of a reliable land titling system, said that there were also many reports of land grabbing practices, and women's access to land was allegedly extremely limited. Referring to the Khas Land Distribution Policy of 1987, she asked whether there were statistics on how much land had been distributed to, for example, landless peasants and sharecroppers and how much had been distributed to women. Article 43 of the Policy, which mentioned that widows and divorced and abandoned women with an able-bodied and adult son could apply for priority ownership of land, was a discriminatory provision. She asked whether the Policy was still being implemented.

34. The Committee had received reports of a major problem of arsenic contamination of water rising from tube wells, which had severely affected children and led to a number of deaths. While she was aware of the Government's policy of drilling deeper tube wells, she asked whether such action was effective, whether the tube wells were properly distributed among all sections of the population and what was to stop arsenic-contaminated water from entering the food chain.

The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.

35. **Mr. Alam** (Bangladesh) said that the Government's response to the collapse of the Rana Plaza building had had been detailed in the 2015 report by Human Rights Watch. All persons who had claimed compensation had been paid in a process overseen by ILO. The amount of compensation was greater than any individual insurance payment as the money had come from multiple sources, including international retailers. The Government was willing to investigate in the event that anyone affected by the incident had been unable to find subsequent employment.

36. Recognizing that child marriage was a serious problem, the Government had participated in Girl Summit 2014, co-hosted by the Government of the United Kingdom of Great Britain and Northern Ireland and the United Nations Children's Fund (UNICEF), and had implemented a national policy to eliminate child marriage by 2030. There had been no exceptions to that policy since it was enacted in 2017 and a recent UNICEF report had noted a sharp reduction in child marriage. All local government offices and representatives, parents, teachers and school management committees, particularly in girls' schools, had been made aware of the risks of child marriage to, inter alia, physical and mental health. There was also a dedicated hotline which had prevented child marriage in approximately 1,500 cases. However, owing to social traditions and challenges, it would take time for the practice to be eliminated entirely.

37. Marriages of all kinds were legal from the moment of marriage and had to be registered under the Muslim Marriages and Divorces (Registration) Act of 1974 and the Hindu Marriage Registration Act of 2012. Mandatory birth registration, in addition to the introduction of biometric national identity cards and machine-readable passports, would

help to improve transparency and assist people as they sought to enter the job market. There were also ongoing negotiations with the Government of Germany to introduce electronic passports by the end of 2018.

38. The National Building Code had become more stringent since the Rana Plaza incident. In rural areas, architectural plans and structural designs had to be certified by the nearest university in addition to local government officials. Moreover, as Bangladesh sought to become a middle-income country, large-scale building projects had been undertaken, including international airports and infrastructure. People affected by eviction and land acquisition policies in such projects received compensation equal to or above the rate established by the Government.

39. Slum dwellers were defined as those living below the poverty line on State or privately owned land. A project to build 10,000 apartments in Dhaka for slum dwellers had been undertaken by the Ministry of Housing and Public Works. It was the first of its kind and would be repeated in other cities as necessary. The Government had a number of measures to rehabilitate evicted slum dwellers, including the provision of allowances and microcredit, and a loan programme. In order to help child workers and children living on the streets, the Government had also established child training and rehabilitation centres to improve well-being and provide job-oriented training.

40. The Constitution provided for recognition of ethnic minorities, rather than indigenous peoples, in line with the definition provided in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). The religious and language rights of all small ethnic groups were upheld in the Constitution, which also included a commitment to protect and develop their cultures and traditions. To that end, the Government had enacted the Small Ethnic Group Cultural Institutions Act in 2010.

41. **Ms. Faizunnesa** (Bangladesh) said that Bangladesh had been identified as particularly vulnerable to climate change in a number of international studies. The population living in low lying coastal areas, estimated to grow to over 60 million by 2050, was at high risk of displacement. Owing to the increasing frequency and severity of cyclones and flooding, in addition to crop losses and drinking water shortages, the country was losing approximately 1.8 per cent of its GDP per year.

42. The Government's climate change policies focused on adaptation and resilience, and included a legal framework, nationally appropriate mitigation actions and the 10-year Bangladesh Climate Change Strategy and Action Plan. Bangladesh had been one of the first least developed countries to create a national climate change fund, which to date had amassed approximately US$ 400 million, none of which had been borrowed. The Bangladesh Climate Change Resilience Fund contained an additional US$ 186 million which was used to run aid projects. In total, the country had spent over 1 per cent of its GDP, amounting to almost US$ 1 billion, on climate change. In order to guarantee food security, government-backed scientists had developed a number of new varieties of rice, including saline-tolerant ones. There was also a focus on renewable energy, and over 1.5 million homes had been equipped to use solar power.

43. The country was actively working to promote adaptation mechanisms and the concept of climate justice at the international level. It had participated in drafting the Sendai Framework for Disaster Risk Reduction 2015–2030, had encouraged the inclusion of Sustainable Development Goal 13 on climate action during the development of the 2030 Agenda and tabled resolutions on climate change at the Human Rights Council each year. The Government's efforts had been recognized by the global community when the Prime Minister had been awarded a Champions of the Earth award by the United Nations Environment Programme in 2015.

44. **Mr. Alam** (Bangladesh) said that, in regard to land distribution, single mothers with adult children were not entitled to caste land at present, although the Prime Minister had pledged to address the issue. The Government had issued a directive to work towards the elimination of homelessness in rural areas by the end of 2018. Under one scheme, which had been operational for 19 years, 20 to 30 landless persons were brought together to live in a small concrete and steel house provided by the Government. Such houses came with electricity and utensils, as well as, in many cases, a large pond for fishing and a small

garden for growing vegetables. Another scheme assisted persons with insufficient money to build on their own land by helping them to construct a small two-room house with one or two toilets.

45. **Mr. Chakma** (Bangladesh) said that the cultural institutes operated on an area basis and currently served a number of ethnic communities. It was hoped that, eventually, all ethnic communities would be covered by the initiative.

46. **Mr. Farhad** (Bangladesh) said that, in line with the current Government's pledge to make Bangladesh a digitally advanced country by 2021 and its Vision 2021 strategy, measures had been taken to enhance access to technology and the Internet. Significant progress had been made, as reflected in the steep increase in direct Internet subscribers from 1.5 million in 2006 to just over 80 million in 2018. In fact, if those figures also included people using State-run centres facilitating access to government service portals and Wi-Fi hotspots in educational institutions and on public transport, the total number of users was likely considerably higher. Thus, the Government was on track to achieve its policy target of Internet access for all by 2021. In the same vein, the Government had been quick to adopt third and fourth generation mobile data technology and had won awards for its efforts to harness information technology for sustainable development.

47. **Ms. Monica** (Bangladesh) said that, given the country's limited resources and large population, the Government's declarations related to articles of the Covenant were viewed as guidelines and encouragement for and commitment to progressive implementation of Covenant provisions. With regard to article 13 of the Covenant, significant progress had been made in the education sector during the previous two decades, through the allocation of optimum resources, resulting in virtually 100 per cent enrolment at primary level. The Government's ongoing efforts included measures to ensure access to education for disadvantaged groups such as children with disabilities. The State party viewed the Committee's consideration of its initial report as an opportunity to review its commitments; the delegation looked forward to the Committee's guidance in that regard.

48. **Mr. Alam** (Bangladesh) said that access to water posed a significant challenge in Bangladesh, where water availability varied significantly by season and region. The Government's water management strategies, which took regional climate conditions and water availability into account, included relocating water-intensive crops — such as rice — to areas where rain was more plentiful and encouraging farmers to grow more commercial crops, discouraging the use of deep tube wells and promoting the use of surface water. The problem of flooding was linked to the fact that the country's rivers had not been regularly dredged in recent decades; the Government's long-term plan, with support from the Government of the Netherlands, included the purchase and regular use of dredging equipment in all rivers and canals. Moreover, the Food for Work Programme also included initiatives to rehabilitate bodies of water.

49. **Ms. Liebenberg** said that the Government's achievements, including the country's forthcoming graduation to middle-income status, were laudable. Noting that the Committee's role was to ensure that the process and outcomes of development were rights-based and that the State respected its obligations under the Covenant, she expressed her appreciation of the constructive nature of the dialogue with the State party, the frank responses of the delegation and the acknowledgment of existing challenges, including the problem of child marriage. She also expressed appreciation for the contributions of the National Human Rights Commission and civil society organizations in Bangladesh. She looked forward to further, regular dialogue with the State party and the timely submission of its next periodic report.

50. **Mr. Alam** (Bangladesh) said that, in spite of past political and social upheavals, the devastating impact of natural disasters and the legacy of previous administrations, namely a lack of cohesion, continuity and commitment in government policy, much had been achieved since the current Government had come into power. It was important to understand the reality on the ground at national level, including the various challenges that the Government faced. He wished to emphasize that the dialogue with the Committee had been both instructive and encouraging.

51. **The Chair** said that she had appreciated the delegation's interest in dialogue with the Committee and welcomed the State party's positive assessment of that process, which provided an opportunity to review and clarify commitments under the Convention. She also welcomed the contribution made by civil society organizations and encouraged the Government to work closely with civil society to pursue its human rights objectives. The State party would be invited to report back to the Committee on three issues that it would raise in its concluding observations; she looked forward to continuing the dialogue.

The meeting rose at 12.10 p.m.